



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,652	01/28/2000	Thomas David Reid Ford	4742	2505

7590 02/04/2003

Shoemaker and Mattare, LTD.  
Crystal Plaza Building 1  
2001 Jefferson Davis Highway  
Suite 1203  
Arlington, VA 22202

EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/493,652

Applicant(s)

FORD ET AL.

Examiner

Patrick H. Mackey

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

### DETAILED ACTION

1. The amendment filed 1/13/2002 has been entered.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-20 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Salomon. Salomon discloses a Mail location apparatus to locate a mail item (M) inserted thereinto at a predetermined location in a first (A) and second (B) mutually perpendicular direction that includes a reference wall (7) (see Fig. 1), with an aperture for a print mechanism (see col. 2, line 57 and Figure 1), a support platform (9), a first guide (11) for engagement by a first edge (15) of the mail item (M), a second guide (13) for engagement by a second edge (18) of the mail item (M), and a sensor unit (27) including a face (see Figure 5) engageable by the mail item (M), a pivot (21), a resilient member (23), and a detector (27a, 27b). Salomon discloses that the face of the sensor unit (27) extends between the adjacent ends of the first and second guide walls across a corner of the predetermined location at an angle that is approximately 45 degrees (see Figure 5).

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3651

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomon in view of Beck et al. Salomon discloses all the limitations of the claims (see above), but it does not disclose that the support platform is displaceable between an open position and a closed position. However, Beck discloses similar device that includes a support platform (22) that is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to utilize a support platform is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing.

***Response to Arguments***

5. Applicant's arguments filed 1/13/2003 have been fully considered but they are not persuasive.

6. The applicant states that Salomon does not disclose a face inclined to both a first and second mutually perpendicular directions that is engaged by a corner of the mail item where the mail item is inserted in the first direction, the second direction, and any direction intermediate thereto.

7. In response, the examiner notes that Salomon, in Figure 5, discloses a face (19b). The face includes a plurality of inclined portions (the left side as well as the curved portion) such that it would be engaged if the mail item is inserted in any direction.

Art Unit: 3651

8. The applicant states that Salomon does not disclose that the face of the sensor unit is normally located to extend from adjacent ends of first and second guides across a corner of a predetermined location at which a mail item is to be located as required by claim 24.

9. In response, claim 24 includes the term “normally”. The specification does not define the term “normally”. “Normal” is defined by the Cambridge International Dictionary of English as “usual”. Thus, the claim recites that the face usually extends from adjacent ends of the first and second guides. The claim encompasses structures disclosed by Salomon.

10. The applicant states that Salomon does not disclose that the face of the sensor unit extends at least beyond the support platform and the reference wall as required by claim 25.

11. In response, in Figure 5, Salomon discloses that the face (19b) of the sensor unit extends at least beyond the support platform (9) and the reference wall (13). Moreover, the support platform (9) does not extend beyond the reference wall (13). Any structure beyond the reference wall (13) would not support the mail item.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 3651

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Patrick H. Mackey  
Primary Examiner  
Art Unit 3651

January 30, 2003